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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,766	05/25/2001	David K. Thatcher	4313 P	5765

7590

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EXAMINER

SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

7

DATE MAILED: 12/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/865,766

Applicant(s)

THATCHER ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

- ✓ Claim 11, line 3, it is unclear as to whether the 'a buffer pad' is in addition to that of claim 1, line 8 or one in the same;

Line 4, it is unclear as to whether the 'a gear box' is in addition to that of claim 1, line 9 or one in the same.

### *Claim Rejections - 35 USC § 103*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 1-8 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thatcher et al. in view of Nagayama et al. and Warren et al.

Thatcher et al. discloses a similar machine however fails to disclose a scrubber housing and buffer belt and clutch.

Thatcher et al. discloses a frame (fig. 1, #101).

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Thatcher et al. discloses a first scrubber attached to the frame means including a first scrubber pad and a first gear box (fig. 1, #107a, col. 6, lines 19-20). Nagayama et al. discloses a scrubbing machine having a scrubber with a housing (fig. 4, #6, col. 6, line 41-42). It would have been obvious to one of ordinary skill in the art to provide the housing of Nagayama et al. in Thatcher et al. to provide for a means to prevent splashing by the scrubber.

Thatcher et al. discloses a buffer attached to the frame including a buffer pad and gear box (fig. 1, #106a and col. 6, lines 16-17). Warren et al. discloses a buffing machine using a buffer belt and clutch (abstract, col. 1, line 66-col. 2, line 5). It would have been obvious to one of ordinary skill in the art to provide the belt and clutch of Warren et al. in Thatcher et al. in view of Nagayama et al. to allow for operation at adjustable speeds.

Thatcher et al. discloses a squeegee attached to the frame between the scrubber and buffer (fig. 1, #304).

Thatcher discloses a motor means mounted on the frame for powering the scrubber and buffer (fig. 1, #103).

With respect to claim 2, Thatcher et al. discloses the motor means being an engine (col. 5, lines 19-23).

With respect to claim 3, Thatcher et al. discloses a second scrubber attached to the frame including a second scrubber pad and a second gear box (fig. 1, #107b, col. 6, lines 19-20). Nagayama et al. discloses a scrubbing machine having a scrubber with a housing (fig. 4, #6, col. 6, line 41-42). It would have been obvious to one of ordinary skill in the art to provide the housing of Nagayama et al. in Thatcher et al. in view of Warren et al. to provide for a means to prevent splashing by the scrubber.

With respect to claim 4, Thatcher et al. discloses a vacuum (col. 5, lines 35-45).

With respect to claim 5, Thatcher et al. disclose a single drive wheels (fig. 1, #105). Nagayama et al. discloses a cleaning machine having two drive wheels (col. 3, lines 35-39). It would have been obvious to one of ordinary skill in the art to provide the second drive wheel of Nagayama et al. in Thatcher et al. in view of Warren et al. to allow for a broader base of support and greater stability.

With respect to claim 6, Thatcher et al. discloses first and second stability wheels (col. 7, lines 19-21).

With respect to claim 7, Nagayama et al. discloses a cleaning machine with a control panel (col. 3, lines 49-51). It would have been obvious to one of ordinary skill in the art to provide the control panel of Nagayama et al. in Thatcher et al. in view of Warren et al. to have a way of displaying to an operator the operation states and conditions of the machine.

With respect to claim 8, Thatcher et al. disclose the frame being made of steel (col. 7, lines 48-49).

With respect to claim 11, Thatcher et al. discloses the buffer including a buffer pad and gear box (col. 6, lines 16-17).

With respect to claim 12, Thatcher et al. discloses the squeegee including a squeegee mount and blade (col. 5, line 46).

With respect to claim 13, Thatcher et al. discloses the engine being a propane engine (col. 5, line 22).

With respect to claim 14, Thatcher et al. discloses the engine being an internal combustion engine (claim 1,B). Thatcher et al. discloses a vacuum/blower (col. 4, lines 65-66).

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It would have been obvious to one of ordinary skill in the art to determine the most appropriate elements to work in conjunction with the engine of Thatcher et al. in view of Nagayama et al. and Warren et al. to allow for the most effective operation, no matter where the device is to be used.

*Response to Arguments*

5. Applicant's arguments with respect to claims 1-8 and 11-14 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 879-9310 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

TTS  
December 28, 2002

Theresa T. Snider  
Examiner  
Art Unit 1744

*TTS*  
THERESA T. SNIDER  
PRIMARY EXAMINER